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February 19, 2008 3:28 PM

RONALD C. WESTON, SR., CLERK
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: rmw /

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EUGENE STANSBERRY, an individual

Plaintiff,

v

AIR WISCONSIN AIRLINES
CORPORATION, a corporation,

Defendant

Hon. **1:08-cv-158**
Robert J. Jonker
Case No. 08- **US District Judge**

State Court Case No. C08-0021-CZ
Removed from Kalamazoo County
Circuit Court

NOTICE OF REMOVAL

TO: The Honorable Judges of the United States District Court for the Western
District of Michigan:

Defendant Air Wisconsin Airlines Corporation ("Air Wisconsin"), through its undersigned attorney, hereby gives notice of removal of the above-styled action to this Court from the Circuit Court for the County of Kalamazoo, Michigan and as grounds for such removal respectfully shows:

1. The Notice of Removal is filed pursuant to 28 U.S.C. § 1441.
2. Plaintiff commenced an action on January 10, 2008 against Air Wisconsin in the Circuit Court for the County of Kalamazoo, Michigan entitled Eugene Stansberry v. Air Wisconsin Airlines Corporation, Civil Action No. C080021-CZ. A copy of the Complaint and a copy of the Summons received by Defendant are attached hereto as Exhibit A. This action has been pending since that date. No further proceedings have been made therein.

3. Defendant first received notice of the initial pleading in this case when the Complaint and Summons were received by Corporation Process Company on January 30, 2008. Removal of this action is therefore within the thirty (30) day period provided by 28 U.S.C. §1446(b).
4. Plaintiff alleges in his Complaint that Air Wisconsin violated the Americans with Disabilities Act, 42 U.S.C. § 12101 and the Civil Rights Act, 42 U.S.C. § 1981. These federal claims arise under the laws of the United States. This claim originally could have been filed in federal court and thus may be removed by Defendant. Therefore, this Court has original jurisdiction of this civil action pursuant to 28 U.S.C. § 1331, in that it is an action arising under the laws of the United States.
5. Pursuant to 28 U.S.C. § 1367(a), this Court has the authority to exercise supplemental jurisdiction over Plaintiff's state law claim under the Persons with Disabilities Civil Rights Act, M.C.L. § 37.1101, because it is so related to Plaintiff's federal claims that it forms part of the same case or controversy as the federal claims under Article III of the United States Constitution.
6. In accordance with 28 U.S.C. § 1441(a), venue lies in the United States District Court for the Western District of Michigan, Southern Division, because the state court action was filed and is pending in the Circuit Court for the County of Kalamazoo, Michigan, which is within this judicial district.
7. In accordance with 28 U.S.C. § 1446(d) and as evidenced by the signature below, counsel for Defendant hereby certifies to the Court that Defendant's Notice of Filing Notice of Removal With the United States District Court, together with a copy of this Notice of

Removal, have been filed contemporaneously herewith in the office of the Clerk of the Circuit Court for the County of Kalamazoo, Michigan where this case is pending, and has been served upon Plaintiff. A copy of the Notice to Plaintiff of Removal to the United States District Court for the Western District of Michigan is attached hereto as Exhibit B.

WHEREFORE, Defendant hereby gives notice that the above-described state court action pending in the Circuit Court for the County of Kalamazoo, Michigan is removed to the United States District Court for the Western District of Michigan.

This 19th day of February, 2008.

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MILLER JOHNSON
Attorneys for Air Wisconsin Airlines Corporation

Dated: February 19, 2008

By



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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EUGENE STANSBERRY, an individual

Plaintiff,

Hon. _____

v

Case No. 08-_____

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CORPORATION, a corporation,

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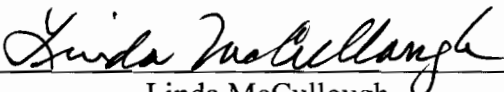
CERTIFICATE OF SERVICE

I hereby certify that on February 19, 2008, I served this **NOTICE OF REMOVAL**, upon the following individual indicated below via U.S. MAIL, with sufficient postage affixed thereon:

William F. Piper, Esquire
William F. Piper, PLC
3275 Cooley Court, Suite 160
Portage, MI 49024

This is true to the best of my information, knowledge, and belief.

Dated: February 19, 2008



Linda McCullough